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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,667	12/01/2000	Thomas R. Colligan	16356.567 (DC-02601)	2026
27683	7590	11/19/2003	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			CHUONG, TRUC T	
			ART UNIT	PAPER NUMBER
			2174	9
DATE MAILED: 11/19/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,667

Applicant(s)

COLLIGAN ET AL.

Examiner

Truc T Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12-18,20-27 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12-18,20-27 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. This communication is responsive to Amendment C, filed 09/02/03.
2. Claims 1-2, 4-10, 12-18, 20-27, and 29-31 are pending in this application. Claims 1, 9, 17, 25, 30 and 31 are independent claims. In Amendment C, claims 1, 9, and 17 are amended. Claims 3, 11, 19, 28 are cancelled. Claims 30-31 are new claims. This action is made non-final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-10, 12-18, 20-27, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chari (U.S. Patent No. 6,046,742) in view of Chang et al. (U.S. Patent No. 5,594,926).

As to claim 1, Chari teaches a method of providing acoustic management in a computer comprising:

receiving from a user instructions regarding a selected acoustic level via an interface (col. 6 lines 19-33 and figs. 17-18); and

adjusting an operational level of at least one subsystem of the computer to achieve the selected acoustic level (cooling subsystem, col. 13 lines 38-60 and fig. 17); however, Chari does not teach the acoustic level including adjusting a seek time of a hard disk

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drive of the computer. Chang clearly teaches software to adjust the cycle time of hard drive read or write (col. 10 lines 29-33). It would have been obvious at the time of the invention that a person with ordinary skill in the art would want to have adjust the cycle time of hard drive of Chang to the acoustic level control of Chari to allow an operator to easily control or adjust the cycle time of the hard drive.

As to claim 2, Chari teaches the method of claim 1 further comprising:

subsequent to the adjusting, demonstrating to the user the selected acoustic level (col. 13 lines 1-25 and figs. 17-18).

As to claim 4, Chari teaches the method of claim 1 wherein the adjusting an operational level of at least one subsystem of the computer comprises adjusting the speed of an internal fan (col. 13 lines 1-40 and figs. 17-18).

As to claim 5, Chari teaches the method of claim 4 wherein the adjusting an operational level of at least one subsystem of the computer comprises making corresponding adjustments to overall operation of a portion of the computer to maintain a heat production level of the computer at a level that can be managed by the internal fan operating at the adjusted speed (Temperature Sensors, col. 13 lines 38-60 and figs. 17-21).

As to claim 6, Chari teaches the method of claim 1 wherein the adjusting an operational level of at least one subsystem of the computer is performed using redefined power management levels of the computer (figs. 22-24).

As to claim 7, Chari teaches the method of claim 1 wherein the adjusting an operational level of at least one subsystem of the computer comprises adjusting a speed of a peripheral

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bus, with corresponding adjustments to a speed of at least one peripheral device connected to the peripheral bus (DIMM, figs. 15-16).

As to claim 8, Chari teaches the method of claim 1 further comprising, prior to the receiving, displaying a graphical user interface for enabling the user to select an acoustic level (Options dialog box allows user to make change, col. 8 lines 40-59 and figs. 22, 24-25).

As to claims 9-10, they are system claims of method claims 1-2. Note the rejections of claim 1-2 above respectively.

As to claims 12-16, they are system claims of method claims 4-8. Note the rejections of claims 4-8 above respectively.

As to claim 17, it is individually similar in scope to claim 9 above; therefore, rejected under similar rationale.

As to claim 18, it is individually similar in scope to claim 10 above; therefore, rejected under similar rationale.

As to claims 20-24, they are similar in scope to claims 12-16 above; therefore, rejected under similar rationale.

As to claims 25-27, they are computer program product claims of method claims 1-2, and 8. Note the rejections of claims 1-2, and 8 above.

As to claim 29, this is computer program product claim of method claim 5. Note the rejection of claim 5 above.

As to claims 30 and 31, they can be rejected similar in scope to claim 1. Note the rejection of claim 1 above.

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Response to Arguments

5. Applicant's arguments with respect to claims 1-2, 4-10, 12-18, 20-27, and 29-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Truc T. Chuong

11/12/03

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
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